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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A Case Management Conference was held in this matter on August 5, 2005. Based upon the court's statements at the Case Management Conference, the parties to the above-entitled action jointly stipulate to the following issues:

1. Plaintiff Joseph Cocchi's claims against defendant James McGrath are dismissed with prejudice for reasons stated in Magistrate Judge Spero's order denying plaintiff's motion to remand filed on July 15, 2005. Plaintiff agrees to this dismissal of claims against James McGrath based upon Magistrate Judge Spero's stated intention to dismiss all such claims when ruling on defendant's summary judgment motion.
 2. Plaintiff Joseph Cocchi's second and third causes of action, intentional infliction of emotional distress (IIED) and negligent infliction of emotional distress (NIED), against

1 all defendants, are dismissed with prejudice for the reasons stated in Magistrate Judge
2 Spero's order denying plaintiff's motion to remand filed on July 15, 2005. Plaintiff
3 agrees to this dismissal of causes of action for IIED and NIED against all defendants
4 based upon Magistrate Judge Spero's stated intention to dismiss all such claims when
5 ruling on defendant's summary judgment motion.

- 6 3. Plaintiff reserves the right to appeal the dismissal of James McGrath as defendant and the
7 dismissal of plaintiff's causes of action for IIED and NIED upon resolution of this matter
8 in U.S. District Court.
9 4. Plaintiff retains his cause of action for wrongful termination in violation of public policy
10 against defendant Circuit City Stores, Inc.

11 So Stipulated.
12

13 Dated: August 11, 2005

14 /s/ ANTHONY P. O'BRIEN
15 ANTHONY P. O'BRIEN
Attorney for Plaintiff Joseph Cocchi

17 Dated: August 11, 2005

18 /s/ REX DARRELL BERRY
19 REX DARRELL BERRY
Attorney for Defendants Circuit City Stores, Inc.
and James McGrath

20 So Ordered.
21

22 Dated: August 12, 2005

23 
UNITED STATES MAGISTRATE JUDGE
Joseph C. Spero